

Town of Hampton



Hampton Board of Selectmen April 25, 2011 Minutes

PRESENT: Richard Nichols, Chairman
William Lally, Vice-Chairman
Gerald Znoj, Selectmen
Michael Pierce, Selectmen
Frederick Welch, Town Manager

ABSENT: Richard Griffin, Selectmen

6:00 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period - None

II. Announcements and Community Calendar

Chairman Nichols provided the following information on the Arbor Day Event: Friday April 29th Arbor Day, planting 3 trees, students art work from Centre and Marston School will be displayed, donation of time by Vic Lessard, some history on the last Arbor Day in Hampton and sponsored by the Hampton Historical Society.

III. Appointments

1. John Price, Director – Public Works Departmental Update

Mr. Price asked for a couple of minutes to respond to the comments made by the Budget Committee's Vice Chair at this Board's last meeting. He made the following comments: there have been incidents in the past that have almost lead to fist to cuffs but this employee no longer works for the Town, comments made on the atmosphere at PW not fair to the dedicated employees of this department and working under constant back stabbing is nerve racking to say the least. He then read a letter given to Mr. Welch before the meeting, which contains Mr. Price's resignation from the Town of Hampton. His resignation will be effective May 31st.

Mr. Price submitted his quarterly report to the Board and commented on the following items in the report: Spring yard waste collection the week of April 25th including the guidelines, logs at the Transfer Station from the April storm last year he would suggest allowing residents to remove these logs if they wish and highway activities which will be posted on the website.

Discussion

Mr. Pierce commented that he is disappointed that someone in the Town of Hampton can cause an employee to end his employment with the Town. He thinks it is wrong for a citizen of

Hampton to continuously bad mouth an employee and he is sorry that it has come to this. He thanked him for a very nice report.

Mr. Znoj is taken back by his resignation especially with the recycling plan they are embarking on and the upgrades to the WWTP. He is somewhat shocked by this. He is saddened and disappointed by the remarks they have heard by a certain person, which may have led to this. He commented on a memo about Storm Water 2 and a separate memo from Mr. Welch and he needs to review both memos before discussing it further with Mr. Price. Mr. Znoj mentioned some of the items listed under unusual activities in his report and he feels that instead of just fixing the problem some other actions need to be taken such as determining what caused the problem/alarm. Mr. Price provided some information on the process of what happens when an alarm goes off and the fact that it is mechanical equipment. Mr. Znoj expressed how important it is to know why it happened, how it happened and what are we going to do to assure it does not happen again. Mr. Znoj and Mr. Price both agreed that the employees down at the plant are great workers.

Mr. Lally commented that there is no question that Mr. Price has rubbed some people the wrong way in this Town as many other Department Heads have over the years but he does not think it is the right way to have to go out.

Chairman Nichols does not have anything to add to what the other 3 Selectmen have said in regards to his resignation. He would like to ask about the status of the head wall on the Brown Ave. flapper valve. Mr. Price stated that the low bid came in at \$8,800. In the process of checking references and will have a recommendation for Mr. Welch by the end of this week. If everything works out this should be done by the end of May. Chairman Nichols thinks it will be interesting to see the effect the flapper valve has on flooding in this area and the impact it will have on the building of the new Fire Station.

Mr. Price left with the final comment that he will be working right up until the end of May with the exception of a previously scheduled vacation in May.

IV. Minutes of April 11 and April 18, 2011

Minutes of April 11, 2011

Page 1: Correct the date of the minutes to be April 11, 2011.

Mr. Pierce MOTIONED to approve the minutes of April 11, 2011. Mr. Lally SECONDED.

VOTE: 4-0-0

Minutes of Non-public meeting of April 11, 2011

Mr. Pierce MOTIONED to approve the minutes of April 11, 2011. Mr. Znoj SECONDED.

VOTE: 4-0-0

Minutes of April 18, 2011

Page 3: Second sentence from the bottom of the page, change the name "Znoj" to "Nyhan".

Mr. Pierce MOTIONED to approve the minutes of April 18, 2011. Mr. Znoj SECONDED.

VOTE: 4-0-0

V. Town Manager's Report

He would like to congratulate Wanda Robertson on passing the NH Bar.

There will be a National Drug Pick-up at the Police Station on April 30th from 10 am to 2 pm.

Town wide leaf collection started today. Please remember to place your leaves, grass clippings and pine needles in biodegradable paper bags or loose in trash barrels without twigs, branches or brush at curbside on the day of your regular trash collection for pickup by Public Works crews.

Please remember to license your dogs with Town Clerk before April 30th. Please note that the Clerk's Office closes at 11:30 AM on Friday the 29th so come earlier in the week for your dog licenses and our motor vehicle renewals.

Unitil is planning a service outage on Saturday May 21st at midnight with a rain date of June 4th. The outage will be several hours long and will effect Towle Ave, Lafayette Road, High Street, Dearborn Avenue, Hackett Lane, Anns Terrace, Anns Lane, Moore Avenue, Tuck Road, Cessna Way, Reddington Landing, Piper Lane, Lamson Lane, Post Road, Tower Drive, Schooner Landing, Belmont Circle, Ruth Lane, Fairfield Drive, Norton Road, Little River Road, Ridgeview Terrace, Raymond Lane, Mace Road, Barbour Road, Sherburne Drive, Mill Road, Emery Lane, Homestead Circle, Philbrook Terrace, Blake Lane, Higgins Lane, Noel Street, Vanderpool Drive, White Lane, Holman Lane, Watson Lane, Wayside Farm Lane, Palmer Street, Biery Street, Socard Street, Newman Street, Rice Terrace, Mason Street, Kershaw Avenue, Cogger Street, Scott Road, Exeter Road and Marston Way.

The last scheduled Firearms Training for the Police Department is scheduled for this Saturday, April 30th from 9AM to 5PM at the Town Public Works Facility.

The updated 2011 Zoning Ordinance has been released by the Planning Office. Please see them to purchase copies.

The Town still has opening on the following Committees – Highway Safety Committee 1 vacancy; Insurance Advisory Committee 2 vacancies; Leased Land Commission 1 vacancy. Those interested in serving please contact the Selectmen's Office.

Have been receiving updates periodically on the Hampton Beach Redevelopment, which includes parking, pedestrian crossing, Seashell Building, South Pavilion and North Pavilion, South Bathhouse, crosswalk marking, concrete sidewalks, beach regarding, parking pay stations being installed, landscaping and north and south bathhouses opened on April 15th.

There is a draft of the basic financial reports and the audit report and management letter will be released later. The management letter is important since it will show whatever deficiencies there are and corrections if any.

The Conservation Commission is about to close down the Landing Road culvert project. There are a couple of deficiencies they are working to close up.

He would like to respond to some questions that were received on the TSS sampling we do the grab sampling every morning and the twice-weekly TSS 24 hour flow paste compost sample. Chairman Nichols clarified that these are WWTP testing.

They are working on Storm Water 2 and have cleaned up the items that need to be cleaned up. There will be a report to the Board soon on this.

They are working with the Federal Government and the beach district for funding for the seven streets.

They have found some errors in the appointments for Rockingham Planning Commission and have some corrected forms for the Board.

Discussion

Chairman Nichols asked that a slide be put up on Channel 22 about the National Drug Pick-up.

Mr. Pierce asked that the information about the Unitil power outage be posted on the bulletin board in the Town Hall.

Chairman Nichols reminded Mr. Welch that the Board has requested to have a management analysis of the audit once it is complete. The analysis should come from both Mr. Welch and Mr. Schwotzer and is something that was recommended by the auditors. Mr. Welch made a few comments on the audit and the reports are forthcoming. Chairman Nichols also mentioned that he would like to see a draft of the management analysis before it is completed. Mr. Znoj also commented on the importance of an audit.

Mr. Znoj commented on the TSS sampling and expressed how everything is watched at the WWTP.

Mr. Znoj wants to wish Wanda Robertson well and congratulate her on passing the NH Bar on the first try. This will really help with outside legal cost.

Mr. Lally wonders why the Transfer Station does not accept Debit or credit cards. Chairman Nichols and Mr. Znoj both commented that we do accept credit cards at the Transfer Station. Mr. Welch will confirm this tomorrow.

Mr. Lally asked about the money for the Mounted Patrol and it was explained that this money would not show up in the budget but instead as a warrant article.

Chairman Nichols brought up some criticism that the Board received a couple of weeks ago in regards to the plastic years of service pins. He wonders if Mr. Welch has an update on the research, he is doing on medal pins. Mr. Welch stated that they are working on this and will have an update for the Board by the end of the month.

VI. Old Business

1. Discontinuance and deeding of a portion of Boston Avenue to June White related to Warrant Article 42.

Atty. Gearreald explained this is a second instance of a situation where the voters have voted positively to discontinue a portion of Town road and then to deed a portion of that to the abutting property owner. He explained in detail what the portion of land would be as described in Article 42. The Tax Assessor has summarized that the fair market value of the land to be \$1,100. He reviewed the steps of implementation for the Board and reminded the Board that this will be done at no expense to the Town. He also discussed the process to go through with the Planning Board and recording of the deed.

Discussion

Mr. Znoj wonders about how much the cost is that the property owner might occur to have all of this done. Atty. Gearreald does not know how much the attorney would charge for the drafting of the deed but it would be approximately \$200 for the notifying of the abutters and recording of the deed.

Mr. Pierce clarified that there is nothing for the Selectmen to do it is up to the property owner to have the quick deed drafted.

Chairman Nichols requested that Mr. Welch notify June White and inform her of what Atty. Gearreald has communicated tonight.

2. Transition to 18-Month Fiscal Year

Mr. Welch explained that we have proposed an 18-month fiscal period change and explained the calculations that were done and the fact that DRA agreed with the calculations. Since then we have had some communications with DRA and it turns out that it did not work out in the 3rd and 4th year. The result was that it would cost the Town a substantial amount of money each year for TAN. This was not the intent and the Town was told that this could be done at no additional cost. As a result, the bill is being held and he explained in further detail how this process would take place in the House and Senate. Therefore, we will not end up with a change in fiscal years. He explained in further detail how the error occurred in the calculation. The bill is being stopped so that there will not be a financial impact on the Town.

Discussion

Chairman Nichols wonders if this is something that will be proposed in the future or has it been revealed that this is a systemic problem to even try and go ahead with this or a particular flaw in the language of the article/bill. Mr. Welch explained that Mr. Schwotzer has looked at this and it is not a result of the language or something that can be changed in the language and therefore it will not be proposed again. We have learned that in the future we will pro form things out to at least 5 or 6 years so that we do not run into a similar problem. Mr. Welch would also like to add that we are the ones who found the problem not DRA and they have even learned something from this. There was an additional discussion on if this was the same thing that happened in North Hampton and it is not.

Mr. Znoj needs a little more time to look at the documents submitted to the Board and needs to sit with Mr. Schwotzer. He is disappointed that this happened.

Mr. Lally commented that it is too bad that this happened but is glad that the mistake was found before the bill was passed.

Mr. Welch has apologized to Senator Stiles and thanked her for all her work. Mr. Pierce also commented on what a great Senator Nancy Stiles is.

3. Display of works of art – Town Office Building

Atty. Gearreald explained that last week he provided the Board with an update on insuring for liability and property damage purposes to display art in this building. He reminded the Board that the Town's insurance policy would serve this purpose if the event were sponsored by a Board in Town. The question that has arose since last week's meeting is how long a display can be sponsored. The Hampton Arts Network would like to display for 2 month

periods of time particular artists works for up to a year at a time. He would like to seek the Board's input on this for this organization as well as any future organizations.

Discussion

The Board all agrees that this is a good idea. As for a timeframe, Chairman Nichols thinks a year may be too long especially if another organization comes along. He thinks that anyone interested in displaying something in the Town Hall should come before the Board seeking approval. He would suggest a 6-month timeframe but if no one else comes forward in the first 5 months, it could be extended another 6 months. The rest of the Board agreed with Chairman Nichols.

Other Old Business

Mr. Pierce brought up the following items from the Budget Committee Meeting on Tuesday including lots of questions and a lively meeting. Mr. Pierce along with the Budget Committee would like Mr. Schwotzer to come to next month's meeting along with Chairman Nichols if he would like. Chairman Nichols is happy to attend and Mr. Schwotzer has already been asked to come and is available.

Mr. Znoj has received an email from a resident who shared his thoughts on recycling which includes allowing private haulers from condominium associations to dispose of their recycling at the Transfer Station. This is a winning situation for all since the Town could benefit in revenue from the additional recyclables to Concord and the haulers would not have to transport the recyclables very far which could save the condo associations on transportation cost. Chairman Nichols thinks that it is worth looking into but in his opinion, we are going to be facing a lot on July 1st so it should maybe be handled in a 2-phase project. The first phase is to get everything up and running with bringing recycling in-house. The second phase would be to look at items like this and participation of other Towns.

There was an additional discussion on recycling and trash being picked up at the beach and how some people have their trash/recycling picked up three times a week. It was agreed that they will go into trash pickup at the beach on July 1st with the same frequency that is currently in place.

Chairman Nichols brought up a comment he has received in regards to recycling and putting barrels on the opposite side of the street at the beach and how this can be problematic. Mr. Welch commented that the trash could be picked up on both sides of the street with the dual arm trucks. They discussed the bids for the barrels and trucks and they have been awarded. The cost for the trucks came in about \$1,000 or \$2,000 less than estimated and the containers came in about \$70,000 less than estimated. There were about five or six bidders for the trucks and six or seven bidders for the containers and the low bidder was awarded on both the trucks and the containers. Chairman Nichols expressed the importance of keeping this visible especially since input like this will help to identify possible problems. Chairman Nichols would request that on a weekly basis the Board receive an updated copy of the plan and that the plan than be forwarded to the Recycling Committee. Mr. Welch stated that it could be put on the website. Mr. Znoj pointed out that the plan should include information on the trucks that are being retrofitted and the new trucks. They discussed some of the items that should be in the plan and how the plan should be updated and items that need to be removed should be removed. Mr. Welch stated that input from the public is very helpful.

VII. New Business

1. Composition of Leased Land Sales Commission

Atty. Gearreald informed the Board that the voters in Hampton voted in the leased land sales program in 1982. This provided a solution for many of the property owners at the beach whose building was on leased land. The residents were allowed to purchase the land from the Town. He provided some further information about how this worked. A procedure was set forth and is still in place today. However of course the sale prices have changed and he explained how the value of the land is determined. Atty. Gearreald also explained that the Hampton Leased Land Real Estate Commission was formed to determine the fair market value for leased land and monitoring and implementing the sale of leased land. He provided more information about the Leased Land Real Estate Commission and the make-up of the members. There are currently two residents looking to purchase leased land. There is a problem with the two appraisals being greater than 10% apart and therefore the Selectmen are not willing to sell at this rate. Therefore, this needs to go to the Leased Land Real Estate Commission and he explained the current members of the commission. Three of the five members have served more than the 2 five year terms allowed. A letter has gone out from Mr. Welch asking the three individuals to resign so that a successor can be appointed. They have received a resignation from one of the members. Action needs to be taken by the Board to declare the other two positions as vacant.

Discussion

Chairman Nichols verified that it is clear that the two individuals have exceeded their two five year terms.

Mr. Pierce MOTIONED to declare the two positions on Leased Land Real Estate Commission that has exceeded their two five year terms as vacant. Mr. Znoj SECONDED.

VOTE: 4-0-0

Mr. Znoj mentioned that they are now looking for three people for the Leased Land Real Estate Commission.

Chairman Nichols asked Atty. Gearreald to give a little overview of what this position requires and the time commitment. Atty. Gearreald explained the following: the commission has not been active in his 8 years, very few situations where there would have been appeals, only 30 of the 600 properties left as leased land, not a large commitment of time, role to play of the valuing of real estate, conducting arbitration and determining a fair market value. Mr. Znoj clarified that they are the final word. Chairman Nichols thinks it would be very nice if two or three realtors came forward to volunteer.

2. Naming of the Hampton Beach State Park Access Road as "State Park Road"

Atty. Gearreald provided the background including the State Statute and necessary to name this road for the Reverse 911. A name is required for any access means under 911 for public safety purposes.

Discussion

Chairman Nichols commented that this is a public safety issue.

Mr. Znoj MOTIONED to approve under Section 231:133 of the Statute to name the Hampton Beach State Park Access Road as "State Park Road". Mr. Pierce SECONDED.

VOTE: 4-0-0

3. Municipal Budget Committee – Request concerning DPW

Chairman Nichols asked Mr. Welch to cover this item. Mr. Welch received a letter from a subcommittee of the Budget Committee to come to the Public Works Department to examine certain materials and things. He has suggested that he sit down with the Chairperson of this subcommittee to discuss what they want and find a place where they can sit down and look at these items.

Discussion

Mr. Pierce is fine with responding to the request but he expressed concern with having a gathering of people in one of our regular buildings where they are trying to conduct business. Chairman Nichols clarified that it would only be two people.

Chairman Nichols read the request and Mr. Welch would like to meet with them first to make sure that the information they are looking for is public record.

Mr. Znoj and Mr. Lally both agreed that they do not have a problem with this.

Chairman Nichols commented that he does not have a problem with this and thinks that they should help in any way that they can.

4. Administrative Enforcement Ordinance

Atty. Gearreald explained that this ordinance was passed this year. He went through what the ordinance means. He is working on a notice of violation form that will be coming to the Board. An example of the notice of a violation would be a violation of the noise ordinance and/or martial arts weapons and who is the initial enforcer of the ordinance.

Discussion

Chairman Nichols clarified that this Administrative Enforcement Ordinance would apply to only Town Ordinances. Chairman Nichols asked if the Board should designate a judge according to number 6 under the ordinance.

Chairman Nichols MOTIONED to appoint Mr. Welch to the role of judge under the Administrative Enforcement Ordinance. Mr. Lally SECONDED.

VOTE: 4-0-0

Other New Business

Mr. Znoj brought up the WWTP comprehensive maintenance plan and the information that it includes. The plan is currently being entered into the new software they purchased. This plan will be submitted to the State and the test plan has already been submitted to the State. We now have systems in place that should make us much more proactive in preventing problems. They have also developed a critical crisis plan, which he explained in detail. The press is running very well. He shared some information on what has been being done at the WWTP. There has been a big step forward taken.

Mr. Pierce thanked Mr. Znoj for all his work on this.

VIII. Consent Agenda

1. Committee Re-Appointment – Mosquito Control – Russ Bernstein
2. Committee Appointment – Recycling Committee – Corinne Baker
3. Committee Appointment – Highway Safety Committee – Anthony Ciolfi
4. Banner/Sign License – Hampton Historical Society 04/29/2011
5. Veterans, Elderly & Disability Exemptions New/Review. Benjamin, Robert E & Jeanne; Buckley, William & Anna; Cusack, Jean; Hagen, David J & Elaine B.; Hall, Christine; Jordan, Audrey E.; Lefebvre, Marilyn E; Lishman, Richard R. Mulloy, Edward & Marie; Rackliffe, Brian L. & Carol L.; Rothbart, Susan A.; Silva-Fortuna, Donna L.; Bowden, Sarah; Conway, Barry E & Barbara; Feilding, Mary R.; Lishman, Richard F.; Tremblay, Mary Luedeka

Mr. Pierce MOTIONED to MOVE the Consent Agenda. Mr. Znoj SECONDED.

VOTE: 4-0-0

IX. Closing Comments - None

X. Adjournment

Motion to adjourn by Mr. Znoj and Seconded by Mr. Pierce

VOTE: 4-0-0


Chairman

Town of Hampton



AGENDA - Revised Board of Selectmen April 25, 2011

Location: Selectmen's Room – Town Offices
Posted: Town Offices, Library, Beach Fire Station

6:00 PM Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

7:00 PM Public Meeting

SALUTE TO THE FLAG

- I. Public Comment Period
- II. Announcements and Community Calendar
- III. Appointments
 1. John Price, Director – Public Works Departmental Update
- IV. Minutes of April 11 and April 18, 2011
- V. Town Manager's Report
 1. State Highway Safety Agency – Police Department Grant
 2. Administrative Order from the State DES – Hampton expenses to the Town of Hooksett
 3. Grant for a generator at the Transfer Station
 4. Hazard Mitigation Funds submitted under the Pre-Disaster Mitigation Program
 5. Seacoast Hospice – Human Services Appropriation continuance
 6. Annual Concurrence for the Emergency Operation Plan
- VI. Old Business
 1. Discontinuance and deeding of a portion of Boston Avenue to June White
 2. Transition to 18-Month Fiscal Year
 3. Display of works of art – Town Office Building
- VII. New Business
 1. Composition of Leased Land Sales Commission
 2. Naming of the Hampton Beach State Park Access Road as "State Park Road"
 3. Municipal Budget Committee – Request concerning DPW
 4. Administrative Enforcement Ordinance
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IX. Closing Comments

X. Adjournment

Non-meeting with Legal Counsel - RSA 91-A:2., I., (b)

Nonpublic session - RSA 91-A:3., II., (a), (b), (c), (d), (e) **Roll call vote required**

NOTE: Agenda items, requests for appointments to appear before the Board of Selectmen and/or submissions requiring action by the Board of Selectmen must be received by the Town Manager's Office in writing, no later than 5:00 PM on the Wednesday prior to the requested meeting date. All items, appointment requests and/or submissions requiring action by the Board of Selectmen are subject to confirmation by the Chairman. For more information, please stop by or call the Town Manager's Office at 603-929-5908.